

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 14-030

Judge:

Complainant:

ORDER

The complainant alleged that a pro tem justice of the peace improperly issued a ruling after recusing himself from the case due to a conflict of interest.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judge engaged in conduct that violated the provisions of Article 6.1 of the Arizona Constitution or the Code of Judicial Conduct and, if so, to take appropriate disciplinary action. The purpose and authority of the commission is limited to this mission.

After review, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. The commission approved sending the judge a warning letter regarding improper *ex parte* communications. The complaint is dismissed pursuant to Rules 16(b) and 23(a).

Dated: August 22, 2014

FOR THE COMMISSION

/s/ Louis Frank Dominguez

Hon. Louis Frank Dominguez
Commission Chair

Copies of this order were mailed to the complainant and the judge on August 22, 2014.

This order may not be used as a basis for disqualification of a judge.

2014 030

COMPLAINT AGAINST A JUDGE

Name: _____ Judge's Name: _____

Instructions: Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that you believe constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

_____ violated 16 A.R.S. Rules of Civil Procedure, Rule 42(f) 3 (A) in the above referenced case. He suspended an injunction against harassment after removing himself from the case due to conflicts of interest.

I was hired as a _____ at _____ in _____. While fulfilling this assignment, my _____ started to be targeted with pumpkins, eggs, door-bell rings, and obscene soap-pictures on _____. This went on for _____. Each incident _____ was reported to the _____ Police Department. We were advised by the _____ Police Department and the _____ County Victim's Rights Advocate to do three things: set up video surveillance, install motion sensing lights, and file orders against harassment against the _____ whom had been identified as perpetrators. When it became evident that the persecution was not ending, we bought a video surveillance system, motion-sensing lights, and filed for, and was awarded, an order of protection against two of the implicated (a third was arrested and charged).

Judge _____ of _____ Court included our _____ and the _____ in the orders against harassment against _____ and _____. _____ hired a lawyer, _____, for a hearing to quash the protective order and asked for a change of judge.

The new Judge assigned was _____. During the hearing _____ recused himself because he knew the defendant's _____ and worked with _____. Judge _____ then directed me to fill out the paperwork in the clerk's office if I wished to request another judge. I did and at this time, unbeknownst to _____ (in discussion with _____) suspended the injunction against harassment. We never received notification, oral or written, that the injunction had been suspended.

_____ thought we were safe and protected by the judicial system until another judge could be appointed on my behalf, but Judge _____ allowed the suspension of the injunction against harassment despite not hearing the case and allowed _____ to be unprotected without their knowledge.

This was a direct violation of 16 A.R.S. Rules of Civil Procedure, Rule 42(f) 3 (A) which states that "when a notice or an affidavit for change of judge is timely filed, the judge named in the notice or affidavit shall proceed no further in the action except to make such temporary orders as may be absolutely necessary to prevent immediate and irreparable injury, loss or damage . . ." The injunction should have remained in effect until the court could hear testimony from the defendant AND the plaintiff. _____ proceeded with the suspension after dismissing the plaintiff from the courtroom and hearing only arguments from the defendant's attorney.

I respectfully await discussion and/or your decision.